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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/978,342

10/17/2001

David Zelig

U 013676-2

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03/08/2006

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

MURPHY, RHONDA L

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,342

Applicant(s)

ZELIG ET AL.

Examiner

Rhonda Murphy

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/23/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-30 and 53-60 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 10, 15, 19, 20, 31-33, 35, 40, 45, 49 and 50 is/are rejected.
- 7) ☒ Claim(s) 4, 6-9, 11-14, 16-18, 21, 22, 34, 36-39, 41-44, 46-48, 51 and 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This communication is responsive to the amendment filed on 12/23/05.

Accordingly, claims 1-60 are currently pending in this application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5, 10, 15, 19, 20, 31, 32, 35, 40, 45, 49 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Pierson, Jr. (US 6,633,566).

Regarding claims 1 and 31, Pierson Jr. teaches receiving a time-division-multiplexed (TDM) input signal on a first circuit (col. 3, lines 50-53), the signal comprising an input sequence of frames of data, each such frame divided into sections for carrying respective sub-rate payloads (col. 3, lines 54-57); determining which of the sections are active, such that the data in the sub-rate payloads of the active sections comprise user data, and which of the sections are inactive (col. 4, lines 19-21); and encapsulating the user data in the active sections into data packets for transmission over a packet

network, while omitting from the packets at least some of the data from the inactive sections (col. 3, lines 54-67; col. 4, lines 1-15; refer to flowchart in Fig. 5).

Regarding claims 2 and 32, Pierson Jr. teaches receiving the packets over the packet network (col. 3, lines 54-63); extracting the user data from the packets (col. 3, lines 54-63); and generating an output sequence of the frames of the data for transmission in a TDM output signal over a second circuit (col. 4, lines 3-9), by inserting the extracted user data in selected sections among the sections of the frames in the output sequence (col. 4, lines 3-9).

Regarding claims 5 and 35, Pierson Jr. teaches the selected sections of the frames in the output sequence are substantially the same sections as the active sections of the frames in the input sequence (col. 10, lines 34-42).

Regarding claims 10 and 40, Pierson Jr. teaches generating the output sequence of the frames comprises sending a plurality of output signals containing the data from different ones of the active sections to different, respective destinations (col. 10, lines 43-47).

Regarding claims 15 and 45, Pierson Jr. teaches receiving the TDM input signal comprises inserting the data from at least one of a DS1 signal and an E1 signal into one or more of the active sections in the input sequence of the frames (col. 9, lines 31-36).

Regarding claims 19 and 49, Pierson Jr. inactive sections configured such that the data in the inactive sections is not to be sent over the packet network (col. 9, lines 37-45).

Regarding claims 20 and 50, Pierson Jr. teaches encapsulating the user data comprising adding a label to the packets for transmission over the packet network (col. 12, lines 1-2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierson Jr. (US 6,633,566) in view of Boyle et al. (US 6,831,932).

Regarding claims 3 and 33, Pierson Jr. teaches generating an output sequence whereby user data are transmitted between first and second circuits (Fig. 7), excepts fails to disclose generating the output sequence by comprising a circuit emulation service over the packet network, whereby the user data are transmitted between the first and second circuits in a manner transparent to a sender and a recipient of the data.

However, Boyle teaches a circuit emulation service (CES) (bridge 202) over the packet network (Figs. 2 and 3A), whereby the user data are transmitted between the first and second circuits in a manner transparent to a sender and a recipient of the data (col. 8, lines 1-5).

In view of this, it would have been obvious to one skilled in the art to modify Pierson Jr.'s system by incorporating a CES that provides transparency, for the purpose of converting traffic and sending packets over the network.

Response to Arguments

5. Applicant's arguments, filed 12/23/05, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

Allowable Subject Matter

6. Claims 23-30 and 53-60 are allowed.

As to claims 23 and 53, prior art fails to particularly disclose a method for applying a circuit emulation service (CES) to a Synchronous Optical Network (SONET) input signal that includes a plurality of input virtual tributaries containing data, the method comprising: encapsulating the user data in the active virtual tributaries of the SONET input signal into data packets at the CES transmitter, while omitting from the packets at least some of the data from the inactive virtual tributaries; extracting the user data from the packets at the CES receiver; and generating a SONET output signal comprising output virtual tributaries at the CES receiver by inserting the extracted user data from each of the active virtual tributaries into a corresponding one of the output virtual tributaries.

7. Claims 4, 6-9, 11-14, 16-18, 21-22, 34, 36-39, 41-44, 46-48 and 51-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

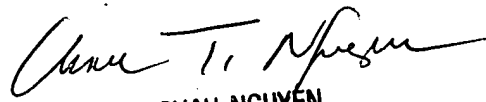
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy
Examiner
Art Unit 2667

RM


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